

Remarks

SUMMARY

All pending claims 21 - 25, 28 – 30, 34 – 37, 41, 43-45 and 48 have been rejected. No claims have been amended or cancelled. Reconsideration of the application in light of the below remarks is respectfully requested.

CLAIM OBJECTIONS

In the subject Office Action, the Examiner objected to claim 21, requesting that the Applicant clarify the limitation of “the interface unit at each respective customer location corresponding to the receiver/decoder that received/decoded the one or more multiplexed channel signals and that output the video channels.” The Office Action noted that “the examiner assumes that if the respective location relates to a service module it corresponds to receivers/decoders.” As can be seen in FIG. 1, a single service module 40 may be associated with a plurality of customer interface boxes (CIB)14. Applicants respectfully submit that when a CIB (at a location) relates to a service module, it corresponds to a respective receiver/decoder in the service module. Applicants direct the Examiner to user control circuit(s) 42 of Figure 4 which are similarly configured to user control circuit(s) 156 of Figure 7, the embodiment of which claim 21 pertains to. Service module 40 includes a plurality of user control circuits 42, where each user control circuit 42 includes a receiver/decoder 54. As each user control circuit 42 corresponds to an individual CIB 14, it also follows that each receiver/decoder 54 also corresponds to an individual CIB 14 in the

plurality. Please see paragraph [0051] in the Applicants' specification which provides further detail.

Applicants respectfully submit that “the interface unit at each respective customer location corresponding to the receiver/decoder that received/decoded the one or more multiplexed channel signals and that output the video channels,” is clear in light of the Figures and the support in the Specification, and needs no amendment. Accordingly, Applicants respectfully requests the withdrawal of the objection to claim 21.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 21, 22, 24, 28-30, 34, 35, 41, and 43 stand rejected under 35 U.S.C. § 103 (a) over various combinations of US Patent No. 5,905,942 to Stoel et al (“Stoel”), US Patent No. 5,905,942 to Kitamura et al. (“Kitamura”), U.S. Patent No. 6,378,130 to Adams (“Adams”), US Patent No. 6,486,907 to Farber et al. (“Farber”), and US Publication No. 2005/0114906 to Hoarty et al. (“Hoarty”). In particular, claims 21, 22, 24, 28 – 30, 34, 35, and 41 – 43 were rejected over Stoel in view of Kitamura and Adams. Claims 23 and 37 were rejected over Stoel in view of Kitamura and Adams and further in view of Farber. Claims 25, 36, and 44 – 47 were rejected over Stoel in view of Kitamura and Adams and further in view of Hoarty. Finally, claim 48 was rejected over Stoel in view of Kitamura and Adams and further in view of Granger. Applicants respectfully traverse the rejections.

In the Office Action, the Examiner cites the combination of Stoel and Kitamura for teaching each and every limitation of claim 21 except for disclosing providing the video channels to “an output interface multiplexer in the service module, the output interface multiplexer configured to provide a same combined signal to each of a plurality of interface

units located at each of a plurality of different customer locations.” The Examiner cites Adams for curing the deficiencies of Stoel and Kitamura, stating it would have been obvious for one of ordinary skill in the art to modify the combination further by providing the video channels to a multiplexer (combiner 100) as taught in Adams “in order to allow a user to select any program provided by any server.” Office Action mailed 12-09-08, item 3. Applicants respectfully disagree.

With regard to a rejection under 35 U.S.C. § 103, it is well known that the proposed modification cannot change the principle of operation of a reference. See M.P.E.P. § 2143.03. The proposed modification cannot render the prior art unsatisfactory or inoperable for its intended purpose. In re Gordon, 733 F. 2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Stoel is directed to audio/video distribution system in which video on demand programming and interactive services are normally jammed (or interdicted) by interdiction field units associated with the subscriber's residence (e.g. an apartment). Through an interactive session with on-screen menus, a subscriber selects a video on demand program (such as a movie, video game, interactive service or premium pay per view programming). Based upon system control data transmitted and received via distribution system 14, interdiction field unit 28 selectively interdicts or jams certain of the channels being delivered to subscriber unit 16 in order to provide each subscriber unit with selected programming, etc. The selected programming is delivered from interdiction field unit 28 to the subscriber over home-run distribution cables 30A-30D. Please see Stoel, FIG. 1 and accompanying description, col. 1, line 66- col. 3, line 2.

The Examiner cites interdiction field unit 28 as illustrated in FIG.1 of Stoel as corresponding to the claimed service module. The proposed modification, thus would

require the interdiction field unit 28 to include the “output interface multiplexer configured to provide a same combined signal to each of a plurality of interface units located at each of a plurality of different customer locations.” Clearly, such a modification would require that interdiction field unit 28 abandon its function of selectively jamming or interdicting signals in order to provide each subscriber unit with selected channels. Rather than providing the subscriber units with a desired signal and a plurality of jammed signals, the proposed modification would completely change the principle of operation in Stoel by requiring the interdiction field unit 28 to provide “a same combined signal” to each subscriber unit. Stoel would be rendered inoperable because each subscriber unit would receive the same signal, whether or not requested.

Furthermore, the proposed modification would also change the principle of operation of Kitamura, which the Examiner cites for teaching various recitations of the claim, such as “one or more receiver/decoders within each service module configured to receive ..the one or more multiplexed channel signals...further configured to provide the video channels to interface units located at different customer locations..” (Office Action, page 5).

On page 5 of the Office Action, the Examiner has cited the regional common-use block 104 of Kitamura as corresponding to the claimed service module. As noted in the previous response filed August 11, 2009, the regional common-use block 104 of Kitamura is not configured to include one or more receiver/decoders “to provide the video channels to an output interface multiplexer in the service module, the output interface multiplexer configured to provide a same combined signal to each of a plurality of interface units located at each of a plurality of different customer locations.” Note that the regional common-use block 104 of Kitamura includes a “switching means [that] converts the taken-out video and

audio signals with RF (radio-frequency) of a predetermined vacant channel, makes connection to lines of the requesting subscribers and transmits the modulated video and audio signals to the subscribers.” (Kitamura column 2, lines 43 – 47). Please see configuration in FIG. 3 of Kitamura, note that a cable 116 of a star network from the regional common use block 104 extends into each subscriber’s house 117. The proposed modification would change the principle of operation in Kitamura because the configuration of switching circuits 110 and multiplexed signals are converted and separated prior to being transmitted to specific subscribers 1 – M. The reason for such a configuration includes the fact that three RF modulators (A,B,C) 112 are provided for each subscriber, which modulate output of converter 107 connected thereto by a switching circuit 110. The RF modulated signals 120 from the RF-modulators is mixed with a free-charge broadcast 106 and a telephone signal 119 by a mixer 113. Kitamura, col. 10, lines 24-29. Without substantial modification and rearrangement of the invention, there is **no** allowance for a modification to provide a “same combined signal” provided to “each of a plurality of interface units.”

Consequently, there is no motivation to combine the references under M.P.E.P. § 2143.03. Independent claim 34 includes similar elements as independent claim 21, and is allowable for analogous reasons. Accordingly, Applicants request that the instant §103(a) rejections of claims 21 and 34 be withdrawn. In addition, claims 21 – 25, 28 – 30, 34 – 37, 41, 43-45 and 48 depend from one of claims 21 or 34. Thus, based on this dependency and also based on the recitations contained therein, claims 21 – 25, 28 – 30, 34 – 37, 41, 43-45 and 48 are also patentable over the references under 35 USC § 103(a), whether singly or in combination.

CONCLUSION

Applicants submit that all pending claims are in a condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 622-1711. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,
Schwabe, Williamson & Wyatt, P.C.

Date: January 22, 2009

/Linda S. Zachariah/
Linda S. Zachariah
Reg. No.: 48,057

Schwabe, Williamson & Wyatt, P.C.
1420 5th Avenue Suite 3010
Seattle, WA. 98101
Telephone: 206-622-1711